IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAD AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14101 of 2004

Between:

M/s. P. Ravi Kumar, Contractor, Jubliee Hills, Hyderabad.
Rep by its Proprietor Mr. P. Ravi Kumar.

..... PETITIONER

AND

1 Joint Commissioner, Commercial Taxes, (Legal),
Office of Commissioner of Commercial Taxes, M.J. Road,

Nampally, A.P., Hyderabad.
2 Commercial Tax Officer, Jubilee Hills Circle, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Certiorari or any other appropriate Writ or Order or Direction calling for the records of the 1st Respondent dt. 20-3-2004 in C.C.T. Ref.No. LIII(2) 485/2004 and quash the same as arbitrary, contrary to law and against the weight of evidence and probabilities of the petitioner's case and consequently grant stay of collection of disputed tax of Rs. 2,03,067/- for the assessment year 1996-97 pending disposal of the appeal before the Sales Tax Appellate Tribunal and pass such other order or orders as the Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.V.PAVAN KUMAR

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

The petitioner had filed an application for stay, before the Joint Commissioner of Commercial Taxes (Legal), Hyderabad, pending appeal before the Tribunal. The Joint Commissioner rejected the application and the Writ Petition is filed.

In the interest of justice, we direct that 50 per cent of the liability shall be discharged within a period of eight weeks, subject to outcome of the appeal. For eight weeks, there shall be an unconditional stay and stay shall continue if half of the liability is discharged during this period. However, if the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

10th August, 2004.

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(S.ANANDA REDDY, J)

vrn

To

1 Joint Commissioner, Commercial Taxes, (Legal),
Office of Commissioner of Commercial Taxes, M.J. Road,

Nampally, A.P., Hyderabad.
2 Commercial Tax Officer, Jubilee Hills Circle, Hyderabad.

3 Two C.Cs to the Government Pleader for Commercial Tax,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies